

# PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION (PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C.20231  
ÉTATS-UNIS D'AMÉRIQUE

Date of mailing:  28 October 1999 (28.10.99)	in its capacity as elected Office
International application No.:  PCT/JP99/02121	Applicant's or agent's file reference:  99-017-PCT
International filing date:  21 April 1999 (21.04.99)	Priority date:  23 April 1998 (23.04.98)
Applicant:  ASADA, Kiyozo et al	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International preliminary Examining Authority on:  
  
13 September 1999 (13.09.99)

in a notice effecting later election filed with the International Bureau on:  
  
\_\_\_\_\_

2. The election  was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	Authorized officer:  J. Zahra Telephone No.: (41-22) 338.83.38
---	---

## 特許協力条約

PCT

EP

JS

国際調査報告

(法8条、法施行規則第40、41条)  
〔PCT18条、PCT規則43、44〕

出願人又は代理人 の書類記号 99-017-PCT	今後の手続きについては、国際調査報告の送付通知様式(PCT/ISA/220) 及び下記5を参照すること。	
国際出願番号 PCT/JP99/02121	国際出願日 (日.月.年) 21.04.99	優先日 (日.月.年) 23.04.98
出願人(氏名又は名称) 寶酒造株式会社		

国際調査機関が作成したこの国際調査報告を法施行規則第41条(PCT18条)の規定に従い出願人に送付する。  
この写しは国際事務局にも送付される。

この国際調査報告は、全部で 3 ページである。

この調査報告に引用された先行技術文献の写しも添付されている。

1. 国際調査報告の基礎
  - a. 言語は、下記に示す場合を除くほか、この国際出願がされたものに基づき国際調査を行った。
    - この国際調査機関に提出された国際出願の翻訳文に基づき国際調査を行った。
  - b. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでおり、次の配列表に基づき国際調査を行った。
    - この国際出願に含まれる書面による配列表
    - この国際出願と共に提出されたフレキシブルディスクによる配列表
    - 出願後に、この国際調査機関に提出された書面による配列表
    - 出願後に、この国際調査機関に提出されたフレキシブルディスクによる配列表
    - 出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述書の提出があった。
    - 書面による配列表に記載した配列とフレキシブルディスクによる配列表に記録した配列が同一である旨の陳述書の提出があった。
2.  請求の範囲の一部の調査ができない(第I欄参照)。
3.  発明の単一性が欠如している(第II欄参照)。
4. 発明の名称は  出願人が提出したものを承認する。
  - 次に示すように国際調査機関が作成した。
5. 要約は  出願人が提出したものを承認する。
  - 第III欄に示されているように、法施行規則第47条(PCT規則38.2(b))の規定により国際調査機関が作成した。出願人は、この国際調査報告の発送の日から1カ月以内にこの国際調査機関に意見を提出することができる。
6. 要約書とともに公表される図は、  
第        図とする。  出願人が示したとおりである.  なし
  - 出願人は図を示さなかった。
  - 本図は発明の特徴を一層よく表している。

## A. 発明の属する分野の分類 (国際特許分類 (IPC))

Int. C1° C12N15/10, C12Q1/68

## B. 調査を行った分野

調査を行った最小限資料 (国際特許分類 (IPC))

Int. C1° C12N15/10, C12Q1/68

最小限資料以外の資料で調査を行った分野に含まれるもの

国際調査で使用した電子データベース (データベースの名称、調査に使用した用語)

BIOSIS (DIALOG), WPI (DIALOG)

## C. 関連すると認められる文献

引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求の範囲の番号
A	Tigst, D. et al. "The Effects of Plant Polysaccharides and Buffer Additives on PCR" BioTechniques (1992) 第12巻 第3号 p. 332-334	1-34
A	Suzanne C. et al. "Effective amplification of long targets from cloned inserts and human genomic DNA" Proc. Natl. Acad. Sci. U S A (1994) 第91巻 第12号 p. 5695-5699	1-34
A	JP, 6-277062, A (エフ.ホフマン-ラ ロシュ アクチエン ゲゼルシャフト) 4. 10月. 1994 (O 4. 10. 94) & EP, 590327, A2 & CA, 2105944, A & US, 5501963, A	1-34

 C欄の続きにも文献が列挙されている。 パテントファミリーに関する別紙を参照。

## \* 引用文献のカテゴリー

- 「A」特に関連のある文献ではなく、一般的技術水準を示すもの
- 「E」国際出願日の出願または特許であるが、国際出願日以後に公表されたもの
- 「L」優先権主張に疑義を提起する文献又は他の文献の発行日若しくは他の特別な理由を確立するために引用する文献 (理由を付す)
- 「O」口頭による開示、使用、展示等に言及する文献
- 「P」国際出願日前で、かつ優先権の主張の基礎となる出願

## の日の後に公表された文献

- 「T」国際出願日又は優先日後に公表された文献であって出願と矛盾するものではなく、発明の原理又は理論の理解のために引用するもの
- 「X」特に関連のある文献であって、当該文献のみで発明の新規性又は進歩性がないと考えられるもの
- 「Y」特に関連のある文献であって、当該文献と他の1以上の文献との、当業者にとって自明である組合せによって進歩性がないと考えられるもの
- 「&」同一パテントファミリー文献

国際調査を完了した日

07. 07. 99

国際調査報告の発送日

21.07.99

国際調査機関の名称及びあて先

日本国特許庁 (ISA/JP)

郵便番号 100-8915

東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

引地 進

4N 9549



電話番号 03-3581-1101 内線 3488

## C (続き) 関連すると認められる文献

引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求の範囲の番号
A	Roman, J. et al. "Reversal of RT-PCR Inhibition Observed in Heparinized Clinical Specimens" BioTechniques (1997) 第23巻 第1号 p. 24-28	1-34
A	Gunnar, T. et al. "Optimization of PCR to Yield Successful Amplification From Heparin-Contaminated DNA" Methods Mol. Cel. Biol. (1995) 第5巻 第2号 p. 122-124	1-34

## BUAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

## RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITORY AUTHORITY identified at the bottom of this page.

## 特許手続上の微生物の寄託の国际的承認に関するブダペスト条約

下記国际寄託当局によって規則7.1に従い発行される。

## 原寄託についての受託証

氏名(名称) 宝酒造株式会社  
寄託者 代表取締役 大宮 久  
あて名 〒 612  
京都市伏見区竹中町609番地

殿

## 1. 微生物の表示

(寄託者が付した識別のための表示)

Escherichia coli JM109/pFUI001

(受託番号)

FERM BP- 5579

## 2. 科学的性質及び分類学上の位置

1種の微生物には、次の事項を記載した文書が添付されていた。

科学的性質  
 分類学上の位置

## 3. 受領及び受託

本国际寄託当局は、平成 7 年 8 月 11 日(原寄託日)に受領した1種の微生物を受託する。

## 4. 移管請求の受領

本国际寄託当局は、平成 7 年 8 月 11 日(原寄託日)に1種の微生物を受領した。  
そして、平成 8 年 7 月 12 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。  
(平成 7 年 8 月 11 日に寄託された微生物寄託番号 P- 15108 号より移管)

## 5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名 称: National Institute of Bioscience and Human-Technology  
Agency of Industrial Science and Technology

所 長 大石 道夫

Michio Oishi, Ph.D., DIRECTOR GENERAL.

あて名: 日本国茨城県つくば市東1丁目1番3号(郵便番号305)  
1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken  
305, JAPAN

平成 8 年 (1996) 7 月 12 日

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP99/02121

**A. CLASSIFICATION OF SUBJECT MATTER**  
Int.Cl<sup>6</sup> C12N15/10, C12Q1/68

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
Int.Cl<sup>6</sup> C12N15/10, C12Q1/68

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
BIOSIS (DIALOG), WPI (DIALOG)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	Tigst, D. et al., "The Effects of Plant Polysaccharides and Buffer Additives on PCR" BioTechniques (1992) Vol. 12, No. 3 p.332-334	1-34
A	Suzanne C. et al., "Effective amplification of long targets from cloned inserts and human genomic DNA" Proc. Natl. Acad. Sci. USA (1994) Vol. 91, No. 12 p.5695-5699	1-34
A	JP, 6-277062, A (F.Hoffmann-La Roche AG.), 4 October, 1994 (04. 10. 94) & EP, 590327, A2 & CA, 2105944, A & US, 5501963, A	1-34
A	Roman, J. et al., "Reversal of RT-PCR Inhibition Observed in Heparinized Clinical Specimens" BioTechniques (1997) Vol. 23, No. 1 p.24-28	1-34

Further documents are listed in the continuation of Box C.

See patent family annex.

• Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier document but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search  
7 July, 1999 (07. 07. 99)

Date of mailing of the international search report  
21 July, 1999 (21. 07. 99)

Name and mailing address of the ISA/  
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/JP99/02121

**C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	Gunnar, T. et al., "Optimization of PCR to Yield Successful Amplification From Heparin-Contaminated DNA" Methods Mol. Cel. Biol. (1995) Vol. 5, No. 2 p.122-124	1-34

091700454 (5630)  
Translation 5/10

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0050/049079	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP99/03196	International filing date (day/month/year) 10 May 1999 (10.05.99)	Priority date (day/month/year) 28 May 1998 (28.05.98)
International Patent Classification (IPC) or national classification and IPC C12N 15/52, 15/80, 1/15, C12P 25/00		
Applicant BASF AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 17 December 1999 (17.12.99)	Date of completion of this report 02 August 2000 (02.08.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/03196

## I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

the international application as originally filed.

the description, pages 1-20, as originally filed,

pages \_\_\_\_\_, filed with the demand,

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the claims, Nos. 1-17, as originally filed,

Nos. \_\_\_\_\_, as amended under Article 19,

Nos. \_\_\_\_\_, filed with the demand,

Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,

Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the drawings, sheets/fig 1/4-4/4, as originally filed,

sheets/fig \_\_\_\_\_, filed with the demand,

sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,

sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_

the claims, Nos. \_\_\_\_\_

the drawings, sheets/fig \_\_\_\_\_

3.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

**Supplemental Box**  
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3

## 1. Reference is made to the following documents:

D2: EP-A-0 405 370  
D3: DE-A-44 20 785  
D4: EP-A-0 821 063  
D5: EP-A-0 569 806  
D6: WO-A-93/04180  
D7: BROWN D H JR et al.: MOLECULAR AND GENERAL GENETICS  
(1996), 251 (1) 75-80

## 2. The application fails to meet the requirement of unity of invention (PCT Rule 13) because the claims are directed to two different inventions, namely:

- (1) Claims 1-16 (method for increasing production of riboflavin by increasing the activity of the DBP synthase, DMRL synthase and riboflavin synthase enzymes in an organism);
- (2) Claim 17 (method for integrating nucleic acids in the genomes of organisms, involving the insertion of at least one riboflavin synthesis gene into the genome of the organism by Restriction Enzyme Mediated Integration).

The two inventions are not based on a single general inventive concept because they are not linked by a "special technical feature" within the meaning of PCT Rule 13.2. The only feature that inventions (1) and (2) have in common is the fact that they both relate to the synthesis of riboflavin. However, this common feature is well known from the prior art and is therefore not novel (*a posteriori* lack of unity). Document D2, for example, describes the insertion of the riboflavin synthesis gene into *Bacillus*. Document D3 discloses the transformation of host organisms

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

PCT/EP 99/03196

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3

using DNA sequences from *Ashbya gossypii* that code for the riboflavin synthesis enzymes. The transformation of microorganisms using an expression vector containing the riboflavin synthesis gene from *S. cerevisiae* is disclosed in document D5.

Hence the two claimed inventions are not so linked as to form a single general inventive concept (PCT Rule 13.1).

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 99/03196

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	16-17	YES
	Claims	1-15	NO
Inventive step (IS)	Claims		YES
	Claims	16-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

## 2. Citations and explanations

1. The application fails to meet the requirement of PCT Article 33(2) because the subject matter of Claims 1-15 is not novel.

Document D2 discloses the over-production of riboflavin in *Bacillus subtilis*. This is achieved using standard gene technology methods and also, in particular, the insertion into *Bacillus subtilis* of several copies of a 10 kb fragment containing the entire riboflavin operon. This results in high-level constitutive production of the biosynthetic enzymes and allows riboflavin production in excess of 5 g/l. Document D2 is therefore prejudicial to the novelty of Claims 1-15. In a similar way, document D4 is also prejudicial to the novelty of Claims 1-15.

Moreover, Claim 14 lacks novelty over any riboflavin-producing organism in which the said genes occur naturally, such as the fungus *Ashbya gossypii* known from document D3.

In Claim 7, the reference to a 35% "homology" with no indication of a reference sequence is unclear and cannot establish novelty (see also Box VIII below).

2. Claims 16 and 17 are not considered inventive for the following reasons:

The use of the genes that code for the enzymes which participate in riboflavin synthesis to increase the production of riboflavin is generally known from the prior art (see, for example, D2). It would therefore be obvious to a person skilled in the art to use this method to increase riboflavin production in the known riboflavin producer *Ashbya gossypii* (see D3). Claim 16 therefore lacks an inventive step.

The use of the REMI technique for inserting desired genes into fungi is generally known (see document D7). The only difference between the method according to Claim 17 and that described in D7 is that Claim 17 specifies that at least one riboflavin synthesis gene is used as the desired gene. However, it would be clear to a person skilled in the art on the basis of D7 that the method therein described can in principle be used for any desired genes, irrespective of the function of their gene product. The purely arbitrary choice of particular genes from the full set of possible genes cannot be considered inventive.

## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The application fails to meet the requirements of PCT Article 6 because Claims 1, 6, 7 and 11 are not clear.

The terms "functional analogues" and "functional equivalents" in Claims 1, 6 and 11 are unclear and leave the reader in doubt as to the meaning of the technical features referred to. The subject matter of these claims is therefore not clearly defined (PCT Article 6). As a matter of principle, terms which are unclear cannot be used to delimit the claimed subject matter over the prior art.

The term "homology" in Claim 7 is unclear. The meaning would appear to be "amino acid identity". It is also unclear what sequences the equivalents are supposed to be homologous to.

2. The invention according to Claim 1 is insufficiently disclosed (PCT Article 5) inasmuch as it relates to the increasing of the activity of the enzymes specified in Claim 1 by increasing the specific activity of these enzymes (see the description, page 8). An inventive step would be required to determine how the enzymes would have to be modified in order to increase their specific activity. Sufficient disclosure could only be acknowledged for a method in which the **synthesis** of the stated enzymes is increased.

12T  
09/673888K  
Translation  
5636

500  
PCT  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 99-017-PCT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP99/02121	International filing date (day/month/year) 21 April 1999 (21.04.99)	Priority date (day/month/year) 23 April 1998 (23.04.98)
International Patent Classification (IPC) or national classification and IPC C12N 15/10, C12Q 1/68		
Applicant TAKARA SHUZO CO., LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.  
 This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
These annexes consist of a total of \_\_\_\_\_ sheets.
3. This report contains indications relating to the following items:
  - I  Basis of the report
  - II  Priority
  - III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application

Date of submission of the demand 13 September 1999 (13.09.99)	Date of completion of this report 06 June 2000 (06.06.2000)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

PCT/JP99/02121

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

 the international application as originally filed the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the claims:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, as amended (together with any statement under Article 19)

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the drawings:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4.  The amendments have resulted in the cancellation of: the description, pages \_\_\_\_\_ the claims, Nos. \_\_\_\_\_ the drawings, sheets/fig \_\_\_\_\_5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

PCT/JP99/02121

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-34	YES
	Claims		NO
Inventive step (IS)	Claims	1-34	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-34	YES
	Claims		NO

**2. Citations and explanations**

The subject matter of claims 1 through 34 is not described in any of the documents cited in the ISR, nor is it obvious to a party skilled in the art.

167

## 特許協力条約

PCT

## 国際予備審査報告

(法第12条、法施行規則第56条)  
(PCT36条及びPCT規則70)

REC'D 26 JUN 2000

WIPO

PCT

出願人又は代理人 の書類記号 99-017-PCT	今後の手続きについては、国際予備審査報告の送付通知（様式PCT/IPEA/416）を参照すること。	
国際出願番号 PCT/JP99/02121	国際出願日 (日.月.年) 21.04.99	優先日 (日.月.年) 23.04.98
国際特許分類 (IPC) Int. C17 C12N15/10, C12Q1/68		
出願人 (氏名又は名称) 齊酒造株式会社		

1. 国際予備審査機関が作成したこの国際予備審査報告を法施行規則第57条 (PCT36条) の規定に従い送付する。

2. この国際予備審査報告は、この表紙を含めて全部で 3 ページからなる。

この国際予備審査報告には、附属書類、つまり補正されて、この報告の基礎とされた及び／又はこの国際予備審査機関に対して訂正を含む明細書、請求の範囲及び／又は図面も添付されている。  
(PCT規則70.16及びPCT実施細則第607号参照)  
この附属書類は、全部で        ページである。

3. この国際予備審査報告は、次の内容を含む。

I  国際予備審査報告の基礎  
II  優先権  
III  新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成  
IV  発明の単一性の欠如  
V  PCT35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明  
VI  ある種の引用文献  
VII  国際出願の不備  
VIII  国際出願に対する意見

国際予備審査の請求書を受理した日 13.09.99	国際予備審査報告を作成した日 06.06.00
名称及びあて先 日本国特許庁 (IPEA/JP) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官 (権限のある職員) 引地 進 電話番号 03-3581-1101 内線 3488
	4N 9549

## I. 国際予備審査報告の基礎

1. この国際予備審査報告は下記の出願書類に基づいて作成された。(法第6条(PCT14条)の規定に基づく命令に応答するために提出された差し替え用紙は、この報告書において「出願時」とし、本報告書には添付しない。PCT規則70.16, 70.17)

 出願時の国際出願書類

<input type="checkbox"/> 明細書	第 _____	ページ、	出願時に提出されたもの
<input type="checkbox"/> 明細書	第 _____	ページ、	国際予備審査の請求書と共に提出されたもの
<input type="checkbox"/> 明細書	第 _____	ページ、	付の書簡と共に提出されたもの
<input type="checkbox"/> 請求の範囲	第 _____	項、	出願時に提出されたもの
<input type="checkbox"/> 請求の範囲	第 _____	項、	PCT19条の規定に基づき補正されたもの
<input type="checkbox"/> 請求の範囲	第 _____	項、	国際予備審査の請求書と共に提出されたもの
<input type="checkbox"/> 請求の範囲	第 _____	項、	付の書簡と共に提出されたもの
<input type="checkbox"/> 図面	第 _____	ページ/図、	出願時に提出されたもの
<input type="checkbox"/> 図面	第 _____	ページ/図、	国際予備審査の請求書と共に提出されたもの
<input type="checkbox"/> 図面	第 _____	ページ/図、	付の書簡と共に提出されたもの
<input type="checkbox"/> 明細書の配列表の部分	第 _____	ページ、	出願時に提出されたもの
<input type="checkbox"/> 明細書の配列表の部分	第 _____	ページ、	国際予備審査の請求書と共に提出されたもの
<input type="checkbox"/> 明細書の配列表の部分	第 _____	ページ、	付の書簡と共に提出されたもの

2. 上記の出願書類の言語は、下記に示す場合を除くほか、この国際出願の言語である。

上記の書類は、下記の言語である \_\_\_\_\_ 語である。

- 国際調査のために提出されたPCT規則23.1(b)にいう翻訳文の言語
- PCT規則48.3(b)にいう国際公開の言語
- 国際予備審査のために提出されたPCT規則55.2または55.3にいう翻訳文の言語

3. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでおり、次の配列表に基づき国際予備審査報告を行った。

- この国際出願に含まれる書面による配列表
- この国際出願と共に提出されたフレキシブルディスクによる配列表
- 出願後に、この国際予備審査(または調査)機関に提出された書面による配列表
- 出願後に、この国際予備審査(または調査)機関に提出されたフレキシブルディスクによる配列表
- 出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述書の提出があった
- 書面による配列表に記載した配列とフレキシブルディスクによる配列表に記録した配列が同一である旨の陳述書の提出があった。

4. 補正により、下記の書類が削除された。

- 明細書 第 \_\_\_\_\_ ページ
- 請求の範囲 第 \_\_\_\_\_ 項
- 図面 図面の第 \_\_\_\_\_ ページ/図

5.  この国際予備審査報告は、補充欄に示したように、補正が出願時における開示の範囲を越えてされたものと認められるので、その補正がされなかったものとして作成した。(PCT規則70.2(c) この補正を含む差し替え用紙は上記1.における判断の際に考慮しなければならず、本報告に添付する。)

V. 新規性、進歩性又は産業上の利用可能性についての法第12条（PCT35条(2)）に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)

請求の範囲 1-3-4 有  
請求の範囲 \_\_\_\_\_ 無

進歩性 (I S)

請求の範囲 1-3-4 有  
請求の範囲 \_\_\_\_\_ 無

産業上の利用可能性 (I A)

請求の範囲 1-3-4 有  
請求の範囲 \_\_\_\_\_ 無

2. 文献及び説明 (PCT規則70.7)

請求の範囲 1-3-4 に記載された発明は、国際調査報告で引用された何れの文献にも記載されておらず、当業者にとって自明なものでもない。



Creation date: 04-29-2004

Indexing Officer: ATEKLY - ALEM TEKLAY

Team: OIPEScanning

Dossier: 09673884

Legal Date: 12-22-2000

No.	Doccode	Number of pages
1	A...	3
2	REM	1
3	SEQLIST	6

Total number of pages: 10

Remarks:

Order of re-scan issued on .....